
**Wisconsin Department of Transportation**
[www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)
**ORIGINAL**

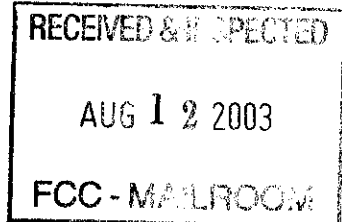
 Jim Doyle  
Governor

 Frank J. Busalacchi  
Secretary

**Division of State Patrol**  
4802 Sheboygan Ave., Rm. 551  
PO Box 7912  
Madison, WI 53707-7912

August 5, 2003

 Telephone: 608-266-3212  
FAX: 608-267-4495

 Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**RE: Ex Parte Comments – WT Docket No. 99-87**

Dear Ms. Dortch:

The State of Wisconsin, Department of Transportation, takes this opportunity to advise the Commission of its serious concern about the potential impact of the FCC's recently adopted rules in this proceeding on the continued availability of highly efficient data systems in the PLMRS bands below 512 MHz. The new rules that are scheduled to go into effect in January, 2004 could have the unintended effect of precluding entities such as the State from implementing spectrally efficient mobile data systems at a time when the need for them is most urgent.

The State is in the process of deploying and testing what will be a statewide VHF mobile data system. It will be used for a variety of mission critical public safety functions including NCIC, motor vehicle checks, missing person bulletins, Amber Alerts, and a variety of new Homeland Security functions. Importantly, it will permit heretofore unavailable interoperability among numerous organizations within the State. When fully operational throughout the State, the system is expected to have more than 2000 users. Funding is committed for the entire project; a substantial amount has been spent already to commence deployment.

The State selected the 150 MHz band for several reasons. Its propagation characteristics are optimally suited for the type of terrain that exists in much of the State, particularly in its more rural areas. It also was essential to identify a band in which sufficient spectrum was available on a statewide basis to support this operation. The 150 MHz band satisfied both of these critical criteria.

The State was aware of the FCC's "refarming" initiative when it began this project. It understood that the Commission intended to migrate PLMRS users operating below 512 MHz from 25 kHz to 12.5 kHz voice channels over time to achieve improved spectrum efficiency in these bands. However, the State relied on the Commission's statement that it was adopting spectrum efficiency standards that would:

permit the use of non-standard bandwidths provided that such use is at least as efficient as narrowband technology....For example, if four 6.25 kHz channels are combined to enable a 25 kHz TDMA technology, then the resulting system must

 H. J. Busalacchi  

 BUSALACCHI

contain at least four voice slots. Regarding an efficiency standard for digital technologies, we proposed a requirement of at least 4800 bits per second per communications link.<sup>1</sup>

The equipment selected by the State meets those standards. It is a highly efficient mobile data system using TDMA modulation. It currently will handle 4800 bps in each of four 6.25 kHz time slots which equates to 19.2 Kbps in a 25 kHz channel. It is precisely the type of efficient technology the FCC wished to see implemented in these bands.

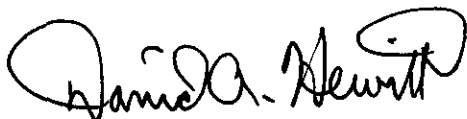
However, the Commission's recent Order in the above-identified proceeding raises questions about whether the FCC, perhaps inadvertently and certainly without notice or comment to the public, changed its position on this important issue. Although the new rules do not propose to modify FCC Rule Section 90.203(j)(5) in which the FCC incorporated the efficiency standard described above, new FCC Rule Section 90.209(b)(6) states the following:

No new applications for the 150-174 MHz and/or 421-512 MHz bands will be acceptable for filing if the applicant utilizes channels with a bandwidth exceeding 11.25 kHz beginning January 19, 2004....No modification applications for stations in the 150-174 MHz and/or 421-512 MHz bands that increase the station's authorized interference contour will be acceptable for filing if the applicant utilizes channels with a bandwidth exceeding 11.25 kHz beginning January 19, 2004....<sup>2</sup>

This rule appears to prohibit the State from licensing the remainder of its proposed system, or at least from being able to license new or modified facilities anytime after the January 2004 deadline even if the technology meets the efficiency standard adopted by the Commission. If that is the FCC's intent, the State will have no choice but to abandon its investment in this system and its hope of having a state-of-the-art mobile data system that will serve vital public safety functions anytime in the foreseeable future.

The State urges the Commission to clarify or correct its recent Order and reaffirm the continued applicability of the previously adopted spectrum efficiency standard at the earliest opportunity.

Sincerely,



David A. Hewitt, P.E.  
Director, Bureau of Communications

---

<sup>1</sup> *Report and Order and Further Notice of Proposed Rule Making*, PR Docket No. 92-235, 10 FCC Rcd 10076 at ¶ 95 (1995).

<sup>2</sup> 47 C.F.R. §90.209(b)(6).